

CLERK'S OFFICE U.S. DIST. COURT
AT ROANOKE, VA
FILED
for the Clerk
OCT 21 2010
JULIA C. DUDLEY, CLERK
BY: *[Signature]*
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

ROBERT LEE BRUCE, JR.,)	Civil Action No. 7:10-cv-00269
Petitioner,)	
)	
v.)	<u>ORDER</u>
)	
DAVID EBERT,)	By: Hon. James C. Turk
Respondent.)	Senior United States District Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
CHARLOTTESVILLE DIVISION

UNITED STATES OF AMERICA)	Criminal Action No. 3:94-cr-00061-1
)	
v.)	<u>ORDER</u>
)	
ROBERT LEE BRUCE, JR.,)	By: Hon. James C. Turk
Petitioner.)	Senior United States District Judge

In accordance with the written memorandum opinion entered this day, it is hereby

ORDERED

that:

- 1) Petitioner's petition for a writ of habeas corpus, pursuant to 28 U.S.C. § 2241, is
CONSTRUED as a petition for a writ of error coram nobis, pursuant to 28 U.S.C.
§ 1651(a).
- 2) Petitioner is **GRANTED** a writ of error coram nobis.
- 3) Petitioner's conviction for Count Two of the indictment is **VACATED**.
- 4) The Clerk shall **REFUND** any payment made toward the special assessment for Count
Two.

- 5) The Clerk shall no sooner than sixty days from the date of this order **SCHEDULE** a sentencing hearing in Roanoke.
- 6) The Clerk shall, at the time the Clerk schedules the sentencing hearing, arrange for the appointment of counsel, pursuant to 18 U.S.C. § 3006A.
- 7) The United States shall timely **DELIVER** the petitioner to the sentencing hearing.
- 8) The Probation Office shall **PREPARE** an updated presentence investigation report and deliver it to the appropriate parties no sooner than when the sentencing hearing is scheduled.
- 9) The Clerk shall **DOCKET** this order and the accompanying memorandum opinion in both 3:94-cr-00061-1 and 7:10-cv-00269.
- 10) Any pending motion in 7:10-cv-00269 shall be **TERMINATED** and that action shall be **STRICKEN** from the active docket of the court.
- 11) The Clerk shall **NOT DOCKET** any more documents in 7:10-cv-00269, and all relevant documents and proceedings concerning this matter shall be noted in the criminal action in order to manage the litigation, pursuant to United States v. Morgan, 346 U.S. 502, 506 n.4 (1954).
- 12) The Clerk shall not presently assign the entire criminal action to the undersigned.

The Clerk is directed to send copies of this order and the accompanying memorandum opinion to the petitioner and counsel of record for the United States.

ENTER: This 20th day of October, 2010.



Senior United States District Judge